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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAYE, JADE O

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,255

Applicant(s)

HOCH ET AL.

Examiner

Jade O. Laye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 9/9/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

2. The drawings, filed 4/15/02, are objected to because the figures are too dark. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 22 and 23 are objected to because of the following informalities:
 - a. The preamble of each should refer back to "the computer product."Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding Claims 9, 19, and 29, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5, 7, 10, 11, 15, 17, 20, 21, 25, 27, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by *Vallone et al.* (US Pat. No. 6,642,939).

As to Claim 1, *Vallone et al* disclose an audiovisual system which displays a plurality of assets (multimedia frames, data, etc.) that can be aligned, scaled, and displayed based upon user preferences. To clarify the Examiner's interpretation, the assets are aligned and scaled based upon user preferences because the programs displayed can be based upon stored user preferences and the system is inherently capable of scaling the display to fit the user's television screen (i.e., 32 inch, 55 inch, etc.). (Abstract; Col. 1, Ln 65-Col. 2, Ln. 10; Col. 5, Ln. 44-54; Col. 15, Ln. 47-67; Col. 17, Ln. 33-Col. 18, Ln. 5; Col. 22, Ln. 32-41). Moreover, as shown in Figures 16, 20a/b/c, and 28, the system comprises a plurality of display regions. Accordingly, *Vallone et al* anticipate each and every limitation of Claim 1.

Claims 11 and 21 correspond to the method Claim 1. Thus, each is analyzed and rejected as previously discussed.

As to Claim 5, *Vallone* further discloses the use of a remote control, which can be used to input various user commands, including preferences. (citations of Claim 1 and Col. 16, Ln. 59-67). Accordingly, *Vallone et al* anticipate each and every limitation of Claim 5.

Claims 15 and 25 correspond to the method Claim 5. Thus, each is analyzed and rejected as previously discussed.

As to Claim 7, it is clear from the before mentioned discussion and cited portions of *Vallone*, that the broadcaster broadcasts data for preparing the EPG and the plurality of regions. If this were not so, the system would be inoperable. Accordingly, *Vallone et al* anticipate each and every limitation of Claim 7.

Claims 17 and 27 correspond to the method Claim 7. Thus, each is analyzed and rejected as previously discussed.

As to Claim 10, *Vallone et al* further disclose that the audiovisual data can be displayed independent of any received user preferences. (Fig. 31). In other words, the system of *Vallone* can display listings which are not based upon any user preference. (i.e., all channels). Accordingly, *Vallone et al* anticipate each and every limitation of Claim 10.

Claims 20 and 30 correspond to the method Claim 10. Thus, each is analyzed and rejected as previously discussed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-4, 12-14, 22-24, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Vallone et al* in view of *Sahota*. (US Pat. Pub. No. 2002/0010928).

Claim 2 recites the method of Claim 1, wherein the composite video feed comprises meta data and meta tags associated with the plurality of display regions. As discussed above, *Vallone et al* anticipate each and every limitation of Claim 1, but fail to specifically recite the limitations of Claim 2. However, within the same field of endeavor, *Sahota* discloses a similar system which integrates meta tags and meta data into television broadcasts. (Par. [0042]). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the systems of *Vallone* and *Sahota* in order to provide a system which seamlessly integrates video and interactive data.

Claims 12 and 22 correspond to the method Claim 2. Thus, each is analyzed and rejected as previously discussed.

As to Claims 3 and 4, the Examiner takes Official Notice that, at the time of Applicant's invention, it was well known that metadata is used as an HTML tag. Therefore, since HTML tells web browsers how to display elements on a web page via the use of tags, it is inherent the metatags (i.e., metadata) of *Sahota* be used to define where assets (regions, frames, etc.) are to be placed. (Moreover, it was also well-known at the time of Applicant's invention to utilize VRML (another markup language) to specify spatial and temporal relationships between objects and

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scenes as evidenced *Eleftheriadis et al*, US Pat. No. 6,044,397 Col. 2, Ln. 51-Col. 3, Ln. 5.) Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the combined systems of *Vallone* and *Sahota* to further include HTML metadata, thereby providing a system which can specify spatial and temporal relationships between objects and scenes.

Claims 13 and 23 correspond to the method Claim 3, while Claims 14 and 24 correspond to the method Claim 4. Thus, each is analyzed and rejected as previously discussed.

Claims 31 and 32 contain limitations which are combinations of limitations from Claims 1 and 2. Thus, in so far as they correlate, each is analyzed and rejected as discussed therein.

6. Claims 6, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Vallone et al*.

As to Claim 6, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of a keyboard to input data was well known in the art of telecommunications. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to further modify the combined systems of *Vallone* and *Sahota* to further include a keyboard, thereby providing a more exhaustive and efficient platform for the user to enter data.

Claims 16 and 26 correspond to the method Claim 6. Thus, each is analyzed and rejected as previously discussed.

7. Claims 8, 9, 18, 19, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Vallone et al* in view of *Volk et al*. (US Pat. No. 5,673,401).

Claim 8 recites the method of Claim 1, wherein a presentation engine residing on the receiver renders at least some graphics for display with each asset. As discussed above, *Vallone et al* anticipate each and every limitation of Claim 1, but fails to specifically disclose the limitations of Claim 8. However, within the same field of endeavor, *Volk et al* disclose a similar system wherein the receiver is capable of rendering graphics. (Col. 5, Ln. 21-40 & Col. 14, Ln. 46-65). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the systems of *Vallone* and *Volk* in order to provide a receiver capable of displaying graphical data, thereby reducing the amount of bandwidth consuming data being sent downstream.

Claims 18 and 28 correspond to the method Claim 8. Thus, each is analyzed and rejected as previously discussed.

Claims 9 recites the method of Claim 8, wherein the presentation engine is based on a declarative markup language such as VRML. As discussed above, the combined systems of *Vallone* and *Volk* disclose all limitations of Claim 8, but fail to specifically discuss the limitations of Claim 9. However, the Examiner takes Official Notice that, at the time of Applicant's invention, it was well known in the art to utilize VRML (another markup language) to specify spatial and temporal relationships between objects and scenes as evidenced *Eleftheriadis et al*, Col. 2, Ln. 51-Col. 3, Ln. 5.). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the combined

systems of *Vallone* and *Volk* to further include VRML, thereby providing a system which is capable of specifying the temporal relationship between objects and scenes.

Claims 19 and 29 correspond to the method Claim 9. Thus, each is analyzed and rejected as previously discussed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

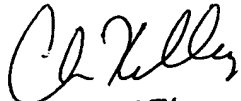
- a. *Nishi* (US Pat. No. 6,681,395) discloses a system which alters an EPG based upon user requests.
- b. *Duhault et al* (US Pat. No. 5,900,868) disclose an EPG which alters based upon user selections.
- c. *Feng* (US Pat. No. 6,483,523) discloses a system which alters an EPG based upon user profiles.
- d. *Zhu* (US Pat. No. 5,577,188) discloses a system which provides a virtual screen overlay.
- e. *Proehl et al* (US Pat. No. 6,133,962) disclose an EPG which comprises an overlay.
- f. *Ellenby et al* (US Pat. No. 6,414,696) disclose a computer system which integrates overlays onto scene images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye
August 31, 2005.


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600